

**JUDGE KARAS**

AO 440 (Rev. 8/01) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

**SOUTHERN**

**District of**

**NEW YORK**

**ERMYNE V. FLEMING**

**PLAINTIFF,**

**SUMMONS IN A CIVIL ACTION**

**V.**

**P.O. JOHN ESPOSITO, CAPTAIN "JOHN DOE"  
and THE CITY OF PEEKSKILL,**

**DEFENDANTS.**

**CASE NUMBER:**

**08 CIV 4584**

**TO: (Name and address of Defendant)**

**P.O. JOHN ESPOSITO, CAPTAIN "JOHN DOE"  
2 Nelson Avenue  
Peekskill, New York 10566**

**CITY OF PEEKSKILL  
c/o Corporation Counsel  
840 Main Street  
Peekskill, New York 10566**

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

**ALAN D. LEVINE, ESQ.  
80-02 Kew Gardens Road, Suite 1010  
Kew Gardens, New York 11415**

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**MAY 19 2008**

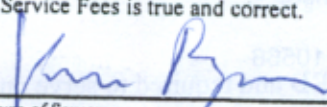
CLERK

DATE

(By) DEPUTY CLERK

ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>CITY OF PEEKSKILL</b>		<b>RETURN OF SERVICE</b>		840 Main Street Peekskill, NY 10566	
Service of the Summons and complaint was made by me <sup>(1)</sup>			DATE June 6, 2008		
NAME OF SERVER (PRINT) Kevin Ryan			TITLE Process Server		
Check one box below to indicate appropriate method of service					
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): Deponent left copy of said papers with Gloria Zonghetti (Sec.) Deponent also enclosed copy of same in a postpaid wrapper properly addressed to defendant and deposited said wrapper in a post office depository.					
<b>STATEMENT OF SERVICE FEES</b>					
TRAVEL		SERVICES		TOTAL \$0.00	
<b>DECLARATION OF SERVER</b>					
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.					
Executed on <u>6/10/08</u> Date		 Signature of Server			
<u>Franklin Square, NY 11010</u> Address of Server					

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure